

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

1. GENERAL

1.01. Adoption of Code. The substantive ordinances of the City of Rochester, Minnesota, of a general and permanent nature are hereby codified in accordance with section 6.08 of the City Charter. All ordinances repealed by section 1.04 are superseded by the Rochester Code of Ordinances.

1.02. Effective Date. The Rochester Code of Ordinances as enacted by Ordinance No. 1320 became effective September 7, 1965, and shall remain in full force in effect until otherwise repealed, subject to amendment or addition pursuant to section 1.05.

1.03. Short Title. The Rochester Code of Ordinances may be referred to as this or the "code," and any use of the word "code" herein shall be construed to mean the Rochester Code of Ordinances unless the context clearly requires some other meaning.

1.04. Repeal of Certain Ordinances. Appendix A is a list of all ordinances repealed by this code through May 1, 1979. Where the substance of a repealed ordinance appears in this code, the code chapter is shown in Appendix A for cross-reference.

1.05. Subsequent Ordinances. Ordinances of a general and permanent nature passed after the effective date of this code shall be passed as amendments or additions to this code unless otherwise provided. Such ordinances when passed shall be deemed a part of this code to the same extent as if fully set forth herein and any delay or failure to incorporate such ordinances into the printed copy of this code as provided in section 1.07 shall not effect the validity of such ordinances. Notwithstanding the foregoing, the following ordinances are continued in effect though not included in this code: Annexations, charter amendments, official maps, rural service districts, salaries, and zoning. Any section or subdivision in this code may be amended or repealed by reference to the section and subdivision number, without reference to the ordinance from which it was compiled.

1.06. Revision. Subdivision 1. This code is printed in loose-leaf form. The city attorney shall periodically prepare and print supplements to this code to keep it up to date by the insertion of revised or additional pages. The supplements shall incorporate the amendments or additions to the code adopted pursuant to section 1.05.

Subd. 2. The city attorney, in preparing code supplements, shall not alter the sense, meaning, or effect of any ordinance, but may:

(1) Renumber sections or subdivisions and parts of sections or subdivisions, rearrange sections or subdivisions, and combine or divide sections or subdivisions into other sections or other subdivisions, or both;

(2) Change the wording of headnotes;

(3) Change reference numbers to agree with renumbered chapters, sections or subdivisions;

(4) Substitute the proper section, chapter, or subdivision numbers for the term "this ordinance," "the preceding section," and the like;

(5) Substitute figures for written words and vice versa;

(6) Substitute the date on which an ordinance becomes effective for the words "the effective date of this ordinance" and the like;

(7) Correct misspelled words;

(8) Correct manifest grammatical and clerical errors, including punctuation; and

(9) Change gender and capitalization for the purpose of uniformity.

1.07. Prima Facie Evidence. This code and any supplemental pages prepared by the city attorney as herein authorized shall be deemed to be published by authority of the council and, pursuant to Minnesota Statutes, section 599.13, shall constitute prima facie evidence of the ordinances contained therein.

1.08. Preservation of Existing Rights. The repeal of any ordinance or portion thereof by the adoption of this code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal takes effect; but every such act done, or right vested or accrued, or any proceeding, suit or prosecution had or commenced shall remain in full force and effect for all intents and purposes as if such repeal had not taken place. No offense committed, and no liability, penalty for forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by the adoption of this code, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed.

1.09. Separability. If any chapter, section, sentence, clause or other part of this code be adjudged void or of no effect for any reason whatsoever, such decision shall not affect the validity of any other portions of this code.

1.10. Penalty. Unless a violation is otherwise declared in this code to be a petty misdemeanor, a violation of any provision of this code is a misdemeanor punishable by a fine of not to exceed \$1000 or by imprisonment for not to exceed 90 days, or both. A violation of any provision of this code which is declared to be a petty misdemeanor is punishable by a fine of not more than \$300.

(1320, 8/16/65; 1500, 6/23/69; 1616, 10/4/71; 1627, 12/7/71; 1971, 7/17/78; 2031, 3/19/79; 2350, 1/16/84; 3430 12/4/01)